

## **REMARKS**

This reply is fully responsive to the Office Action dated November 12, 2003, and is filed within three- (3) months following the mailing date of the Office Action.

### **Claims Status Summary:**

Claims 1 - 6 are pending in the application.

Claims 1 - 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (US 6,526,338).

### **I. Objection to the Drawings under 37 CFR 1.83(a):**

The Office Action objected to the drawings under 37 CFR 1.83(a). The Office Action states that "...manipulation of the particulars, terms and conditions, editing, merchant ID, email receipt and product search box must be shown or the feature(s) canceled from the claims(s)."

Regarding the objection to the lack of showing of a "merchant ID" in drawings, Applicant respectfully submits that merchant ID is illustrated in Fig. 1 as boxed elements 1 to 7, and described on page 6, line 10 of the specification. The merchant identification comprises any number of characters or symbols, providing a means for the distinction of a plurality of merchants. For simplicity only, in the exemplary drawing of Fig. 1 the Applicant has selected to illustrate this means by mere single numbers 1 to 7. Accordingly, Applicant respectfully

requests the withdrawal of this objection to the drawings with respect to the term "merchant ID".

Applicant has submitted herewith two new corrected sheets of drawings (three figures numbered as Fig. 2, Fig. 3, and Fig. 4) in response to the remaining objections under 37 CFR 1.83(a) by the Office Action. The proposed new drawings are fully supported by the original disclosure as follows:

- Fig. 2 was fully described in the original patent application on page 6, lines 16 - 19, and claim 1, lines 6 - 8, 11 - 12, and line 15,
- Fig. 3 was fully described in the original patent application on page 6, line 25 and in claim 5, and
- Fig. 4 was fully described in the original patent application on page 7, lines 14 - 20.

In view of the submission of new drawing figures 2, 3, and 4 Applicant respectfully requests the withdrawal of the objection raised under 37 CFR 1.83(a).

## **II. Amendments to the Specification:**

The specification is amended to secure correspondence between the specification and the newly submitted drawings. 37 CFR 1.121(e). Applicant has added a brief description of the new drawing figures 2, 3, and 4, starting on page 5, and further added reference numerals throughout the disclosure, which correspond with the reference numerals used within the newly added drawings. No new subject matter is added.

### III. Claims Rejections - 35 USC §103(a):

The Office Action rejected Claims 1 - 6 under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (US 6,526,335). Applicant respectfully traverses the rejection and the modification and interpretation of the reference.

#### Claim 1:

The Office Action states that Treyz et al "...discloses a method for electronic purchase comprising a merchant server, e.g. col. 62, lines 17 - 40..." For the purposes of illustration but not limitations, column 62, lines 17 - 40 of Treyz et al are directed to the ability of an automobile computer to access a single server of a single merchant. More specifically, lines 21 to 23 of col. 62 of Treyz et al state that "...Interactivity may be provided by using the Internet link to interact with a remote server (e.g. a remote server at a merchant.)"

Applicant's amended claim 1 of the present invention states, inter alia,  
*...Organizing a merchant server network to provide electronic access thereto by a plurality of participating merchants..."*

Treyz et al do not teach or suggest (implied or otherwise) the claimed limitation of *"...a merchant server network to provide electronic access thereto by a plurality of participating merchants..."* In Treyz et al, col. 62, line 23 specifically states *"...a remote server at a merchant."* The system architecture taught by Treyz et al dedicates a single server for a single merchant. The claimed limitation of the present invention provides for *"...a merchant server network to*

*provide electronic access thereto by a plurality of participating merchants...*"

(Emphasis added.) In other words, with the claimed limitation, each merchant is not provided with its own dedicated server as taught by Treyz et al. That is, the claimed limitation does not recite a one-to-one correspondence between server and merchant, as is clearly taught by Treyz et al. The claimed limitation allows a plurality of participating merchants to be organized on a merchant server network. This is beneficial because the end-user need only visit a single server network to view ALL participating merchants and their products on a single location on the Internet.

The claimed limitation further states, inter alia,

*"...with each said merchant having a unique merchant ID..."*

The Office Action acknowledges and states that "Treyz does not specifically disclose the term merchant identification (ID)...However, Treyz does allow for secure electronic purchases...and to have provided a merchant ID.... would have been obvious to one of ordinary skill in the art."

Treyz et al do not teach or suggest (implied or otherwise) the claimed limitation of *"...each said merchant having a unique merchant ID..."* There would be no reason to provide a single merchant on a single dedicated server with a merchant ID. After all, a merchant ID is to identify (or ascertain the identity, distinguish, or separate-out) one merchant from a plurality of others. Given that only a single merchant is on a single server, what is there to identify in Treyz et al. The identity of the single merchant is inherent. The claim 1 of the present invention provides each merchant with a unique merchant ID because a plurality

of merchants is provided access to a merchant server network. Hence, there is a need to provide a merchant ID for each participating merchant to identify them. No such need exists in Treyz et al because only a single merchant is on a single server. Accordingly, a person of ordinary skill in the art would not look into Treyz et al for a suggestion or a teaching of a merchant ID as is contemplated by the Office Action.

The Office Action further purports that "...a purchaser server network accessed by personal computer 14, e.g. col. 56, lines 14 - 46..." of Treyz et al suggests the claimed "...a *purchaser server network*..." Column 56, lines 14 - 16 of Treyz et al state that "...A shopping service implemented on a remote server may provide the user with an opportunity to negotiate for the price of various items or to obtain discounts or the like. Lines 22 - 25 of the same col. 56 further state that "The server may provide the user with information on different shopping of interest at a particular store or stores in the users' area." Line 27 - 29 of column 56 further state that "The remote server may then run a process that allow various stores or manufactures to bid on the user's offers." In other words, this entire column 56 teaches a localized electronic auction for products, where local manufactures or stores at the users' area change prices based on the single offer provided by a single local user.

Claim 1 of the present invention recites, inter alia,

*"...a merchant server network ...;*

*...establishing a purchaser server network electronically coupled to the merchant server network for real time information communication providing the particulars of purchase;*

*viewing of the particulars via the purchaser server network by a potential purchaser and said plurality of participating merchants;*

*said manipulating step including allowing specific particulars to be editable by the participating merchants whereby resultant particulars are viewed by the potential purchaser and said plurality of participating merchants..."*

The claim 1 purchaser server network does not run an auction process of offers and bids as recited in Treyz et al. The claimed participating merchants of the present invention compete against one another to vary the particulars of their products, and do not compete against a single local offer provided by a single local user. That is, the competition is not based on a localized auction style offer/bid scheme taught by Treyz et al. In this section of Treyz et al, local stores and manufactures compete by bidding against an offer by a single local user. If a local user makes no offers, the products offered by a local merchant would not sell because that system is based on offer/bid scheme. That is, the local stores and manufactures cannot bid against an offer not made by anyone. Claim 1 of the present invention states, inter alia, "*...said manipulating step including allowing specific particulars to be editable by the participating merchants whereby resultant particulars are viewed by the potential purchaser and said plurality of merchants.*" No offer/bid schema is recited. The editing or modification of the particulars for the product line(s) is based on merchants

viewing each others' products/particulars, and not bidding against an offer by some local users. Accordingly, with claim 1, the variations in the particulars of a product is driven by merchant competition where as this section of Treyz et al reference teaches competition based on local stores and manufactures competing against an offer by a local user, no matter how unrealistic that offer may be.

Within this section of Treyz et al only stores and manufactures local to the user's area participate in the auctioning process. The claimed participating merchants and purchasers of the present invention do not have to be local, but can be outside the local area of either the participating merchants or the purchasers. That is, any merchant may have presence and access to the merchant server network from any location. The user may also have access to any of the merchants through the purchaser server network regardless of the user's locality. Given that everything is localized with Treyz et al, the user is not informed about possible better "bids" outside the local area of the user. There is no participation by non-local stores and manufactures in Trezy et al. With the claimed invention, the merchants can change the terms, conditions, prices, and all products related parameters to be competitive with other merchants, locally or otherwise. In other words, a merchant in one state or country can view and change the particulars of its products to be competitive with another merchant either within or outside a certain locality. In addition, it should be noted that from this passage it seems that the local stores and manufactures do not seem to

have a dedicated "merchant server" as is required by the claim, but share it with a purchaser.

The Office Action further continues by purporting that the col. 60, lines 46 - 47 of Treyz et al discloses locality identification. The Treyz et al at column 60, lines 46-47 state: "Targeted information may be presented to the user based on the automobile's location." This only identifies a product based on a vehicle location using some GPS system. This passage is really directed to a driver that drives around a town and wants lodging or other services. The "targeted information" provided is localized information for a person within the vicinity of a specific locality (or a specified projected locality). This is not the claimed "...locality identifier..." that provides information about products from merchants in a specified area that may or may not be within the vicinity or area where the user is located. The claimed "...locality identifier..." is NOT dependent on the locality of the user as is clearly stated in column 60, lines 46-47, or as stated in same the column, lines 56 -57 "...The projected location..." where the vehicle will be traveling. The locality identifier of the present invention is not dependent on the user's location (or projected location). That is, the user may be in one country, and be provided with product particulars from another locality in another country based on what the user inputs. Further, all information provided by the database taught by the Treyz et al reference is localized. The Treyz reference states in the same column, line 59+, "...a local database may be used to provide the user with access to information on restaurants, hotels, and other merchants, and services that are in the vicinity of the present or projected locations of the automobile.



This is all based on the location of the user. The user cannot obtain information about a product or service outside its local area. The user is limited to what the GPS or other system will locally provide (locally in relation to the user only). Treyz et al teaching requires users to be at a certain locality to obtain local information. However, with the claimed "...local identifier...", the user may be at any location and obtain information from any number of merchants at any location. Hence, information regarding multiple products from multiple locations and merchants may be obtained by using the claimed invention. The claimed limitation allows for one or more product from a plurality of merchants in a plurality of locations to be viewed by users.

Accordingly, Applicant respectfully request withdrawal of the rejection of Claim 1 under 35 USC 103 because Treyz et al do not render as obvious the claimed limitations for the aforementioned reasons. Hence, Applicant respectfully submits that claim 1 is allowable over the cited reference and solicits reconsideration and allowance of this claim.

**Claims 2 - 6:**

Claim 2 has been amended to correct antecedents for the term "merchant ID" in view of the amendment to claim 1.

Since claims 2 - 6 depend from claim 1 and incorporate all of its limitations, they are patentable for the same reasons given with respect to claim 1, and even more patentable because they add additional limitations which

further distinguish them from the reference cited. Hence, Applicant respectfully solicits reconsideration and allowance of claims 2 - 6.

### CONCLUSION

It is respectfully submitted that the application is now in condition for allowance, and an early notification of the same is requested. If it is believed that a telephone interview will help further the prosecution of this case, Applicant respectfully requests that the undersigned Patent Agent be contacted at listed telephone number.

Respectfully submitted,



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